

SECTION 3: HOW THE PROGRAM WORKS

Methods

Methods

Identify Best Future Design

An overall approach for the corridor is developed that considers the locations of existing and future intersections or interchanges, driveways, service roads, environmental constraints, and county land use plans. This approach becomes the basis for decisions regarding the management and improvement of the roadway, including entrance applications.

Review Permits

Counties and local governments submit rezoning, subdivision and entrance permit applications which DelDOT reviews for consistency with corridor capacity preservation plans.

Coordinate Actions

To ensure efforts are mutually supportive, DelDOT coordinates actions with county and local government comprehensive plans.

Manage Access

DelDOT works with property owners to find alternative access to their property other than directly onto the corridor. Access management seeks to limit the number of points where vehicles enter and exit the highways to existing intersections, or as few intersections as possible, in order to reduce congestion and increase safety.

Refine Site Development Plans

DelDOT works with property owners to achieve a site design that conforms to the Corridor Capacity Preservation Program and meets the goals of both the owners and the program.

Purchase Access Rights

DelDOT can purchase access rights from a property owner. The property owner retains the ability to develop the property and pursue alternate access.

Purchase Development Rights

If necessary, DelDOT can purchase the development rights attached to a property without purchasing the property outright. For example, a farm owner could be paid to permanently restrict his property for agricultural use. The property would continue to generate a low level of traffic and the farm owner is able to preserve its current use, while still maintaining ownership.

Methods

Purchase Property

DelDOT can also preserve capacity by purchasing property, in whole or in part, to ensure that it is available for any necessary transportation improvements in the future, such as service roads or bus lanes.

Develop Individual Projects

In accordance with an overall preservation program, DelDOT can develop and implement individual projects as the need for them arises. Types of projects include, but are not limited to, intersection improvements, route changes, service road connections, local road connections, and the construction of interchanges.

Provide Consultation

DelDOT can make suggestions to property owners and developers about site planning so they can best accommodate the requirements of the program.

The Review Process

The Review Process

<u>Public Involvement</u> - Shaping transportation in our communities is a cooperative effort. Since our goal is to create an ongoing dialogue between DelDOT and the community, periodic public involvement and public review is built into the Corridor Capacity Preservation Program process.

Public Meetings & Workshops - From early planning to final completion, the public plays an important role by helping to review and refine ideas at regularly scheduled intervals. Usually this is done as preliminary planning is completed and as the project is being finalized (and more often if the project is very large), as part of reviews by the Governor's Council on Transportation (COT) and also during reviews by regional Metropolitan Planning Organizations and program funding of Delaware's 6-year Capital Transportation Program (CTP) in the Bond Bill passed by the General Assembly. (*Note: Delaware has two MPOs - The Dover/Kent County Metropolitan Planning Organization and the Wilmington Area Planning Council (WILMAPCO). Urban areas of Sussex County have less than the required 50,000 permanent population needed to establish an MPO.)

Working Groups - Often on large projects with multiple issues, DelDOT forms a Community Working Group made up of local civic and business leaders, state legislators, municipal heads, emergency personnel, and residents. Working groups look at an issue in depth and represent many community viewpoints during decision-making.

<u>County/Municipality Coordination Process</u> - The Development Coordination Section of the Division of Planning will provide comments on all rezoning requests that are located within designated Corridors, consistent with the current Memorandum of Agreement with the Counties.

Rezoning Process/Traffic Impacts - All properties located along Corridor Capacity Preservation routes will be subject to the same rezoning process that is currently required by DelDOT and will require a finding with respect to traffic impact. The Development Coordination Section of the Division of Planning will carry out this review.

Address Corridor Capacity Preservation Conditions - In order to conform to the Corridor Capacity Preservation Program, adequate conditions must be noted on the approved plan prior to DelDOT finalizing its findings with respect to traffic impact or issuing an entrance permit.

The conditions shall address such issues as:

- mitigation of traffic.
- phasing.
- site access.
- dedication or reservation of rights of way.
- applicable federal, state and local laws, regulations and ordinances.

The Review Process

<u>Subdivision and Entrance Review Criteria</u> - In addition to existing Departmental policies and regulations, the following review criteria will guide DelDOT actions within the existing corridor to preserve traffic capacity, maintain safe travel, and secure the means to provide long term improvements as needed:

Technical Review - All development proposals located along Corridor Capacity Preservation routes will be subject to a review process that ensures conformance with the Corridor Capacity Preservation Program. This technical review will be carried out by the Development Coordination Section of the Division of Planning.

Preliminary Conference - A preliminary conference between DelDOT and the Applicant will be encouraged in order to ensure compliance with the corridor access criteria.

Adequate Right of Way - In order to conform to the Corridor Capacity Preservation Program, adequate right of way reservation may be necessary in order to preserve the capacity of the existing road.

Plans to Convert Direct Access to Controlled Access - Proposed site plans may be required to contain provisions for ultimately converting direct access to controlled access. Such access could be provided by means of:

- Access roads.
- Access to existing secondary roads which intersect with a Corridor Capacity Preservation route.
- Combining entrances with adjacent properties.
- Street layout that includes stub end streets to be connected with future adjacent subdivisions should be signed to be consistent with the Department's Stub Street for Future Interconnection Policy (Policy Implement Number S-23).

Indemnity to Owners - If proposed access locations are not in conformance with the Corridor Capacity Preservation Program, or if right of way and access control requirements unreasonably preclude the owner's otherwise legal use of the property, DelDOT will attempt to indemnify the owner through:

- Planning for the construction of alternative access.
- Making financial compensation for development restrictions caused.
- Purchasing real estate interests.

Approval Subject to Mitigating Improvements - Development along a designated Corridor that will exceed the capacity of the road will only be approved subject to mitigating improvements being made by the developer that may include roadway improvements and/or traffic management agreements.

The Review Process

Cooperative Agreements - Cooperative shared access agreements between adjacent landowners will be encouraged.

Additional Traffic Signals - DelDOT will monitor traffic operations and implement minor projects on an interim basis, such as roadway relocations and intersection improvements, as long as they are consistent with the Corridor Capacity Preservation Program. In the interim, no additional traffic signals will be allowed on Corridor Capacity Preservation routes that are already limited access, such as SR 1. However, on some corridors, such as Rt. 13, signals may be necessary. Temporary signals may be considered if there is an identified project in the Capital Improvement Program to replace the signal with an overpass or interchange in the future. DelDOT will review signal warrants, in accordance with current procedures. At locations where signal warrants have been satisfied, the Department will develop and pursue alternatives to traffic signals that address the particular signal warrant issue.

Real Estate

Real Estate: Acquisition Strategy

It is preferable to reduce access points in order to preserve a corridor's capacity via management measures. The reduction of entrances has a positive effect upon the capacity of the highway, and this strategy should be pursued as a priority along these corridors. However, acquisitions of real estate (in fee, or such partial interests necessary to achieve the Program goals and objectives) become warranted when the application of this policy creates unreasonable hardship with respect to the sale or legal use of property.

For the most part, transportation investment will be focused in Community Areas and Developing Areas to support existing and planned growth. Where future service roads or other alternative property access plans have been developed, such that right-of-way will be needed, it is appropriate to consider temporary access to the corridor where practical alternatives are not available and:

Acquire the necessary right-of-way for projects - (access roads, system modifications, intersection upgrades), in accordance with the Department's policy on advanced acquisitions if hardship is demonstrated, or a protective buy is warranted.

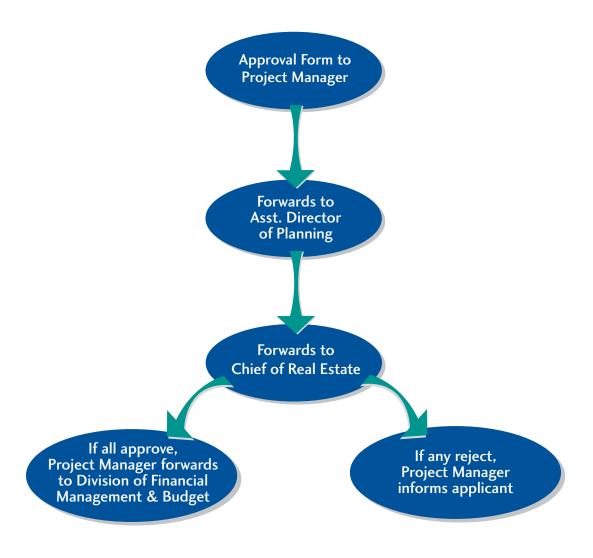
Reserve right-of-way, seek accommodation - Otherwise, in response to land development proposals, request reservations of right-of-way, or seek accommodation with future plans (additional building setbacks, with landscaping, stormwater management, or other uses that can be practically relocated).

Real Estate Acquisition Process

Acquisition Process

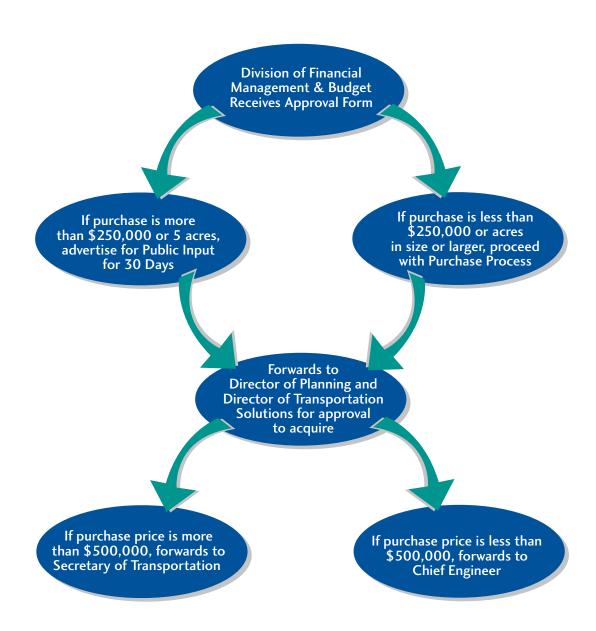
Should the technical review process (described in this section under "Subdivision and entrance review criteria") determine that acquisition of real estate interests is necessary in order to protect the corridor from roadside development that compromises the corridor's safety or capacity, the following process will be followed:

Real Estate Acquisition Process #1 -Acquisition Form* Preliminary Approvals



Real Estate Acquisition Process

Real Estate Acquisition Process #2 - Advanced Approvals & Funding



Real Estate Acquisition Process

Real Estate Acquisition Process #3 - All Real Estate Acquisitions

Once Chief Engineer or Secretary of Transportation approves, forward to the "Advanced Acquisition Committee"* for review

If the Committee approves: Project Manager forwards to Chief of Real Estate and Real Estate is acquired. If the Committee does not approve:
Project Manager reevaluates the
acquisition in terms of consistency
with the Corridor Capacity
Preservation Program.

- * Note: "Advanced Acquisition Committee Members"³
- Secretary of the Department of Natural Resources and Environmental Control (DNREC)
- Secretary of the Department of Transportation
- Secretary of the Department of Agriculture
- Director of the Delaware Economic Development Office
- Governor's Chief of Staff
- A member of the Senate designated by the President Pro Tempore
- A member of the House of Representatives designated by the Speaker of the House
- Two members of the public, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House

³This Committee was established in accordance with Title 17 of the Delaware Code, Section 137 (a)(2). The role of this Committee is, "To determine the consistency of such action with the State's overall goals for land use planning." (17 De. C. 137 (a)(2))

Real Estate Acquisition Process

Real Estate Acquisition Approval Process #4 - Department's Normal Acquisition Process



Real Estate Acquisition Policy

Other Real Estate-related Policy

Reimbursement for Reconfiguring Subdivision

When subdivision property lines were created as part of a recorded, approved subdivision prior to this Policy revision and the lots are not configured to allow for corridor right-of-way requirements, including frontage roads where required, the Department will reimburse the owner for engineering costs needed to reconfigure the subdivision to correspond with this Policy.

Monitoring for Purchase Opportunities

DelDOT Planning and Real Estate personnel will monitor the corridors for potential real estate property purchase opportunities.

Power of Eminent Domain

As noted in Title 17, Section 145 of the Delaware Code, the Department may exercise the power of eminent domain to purchase property by condemnation as part of this Program. When a property owner does not object to DelDOT's acquisition of property or property rights, but disagrees with the Department's offer of just compensation, then in such cases, condemnation action will be employed in order that the court decide the matter of compensation.